

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

RHONDA HAYES, as Executrix of the ESTATE OF ROSE HAYES, deceased,	:	<b>Hon. Joseph H. Rodriguez</b>
	:	
Plaintiffs,	:	<b>Civil Action No. 10-4444</b>
	:	
v.	:	
	:	<b>ORDER</b>
TOM TASSAKIS, M.D., et al.,	:	
	:	
Defendants.	:	

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This action having been filed by Plaintiff on August 30, 2010; and

Plaintiff having brought this action as the Executrix of the Estate of Plaintiff's Decedent; and

Plaintiff having alleged Plaintiff's Decedent to be a citizen of the State of New Jersey; and

Plaintiff having alleged at least one Defendant to be a citizen of the State of New Jersey; and

Plaintiff having premised subject matter jurisdiction in this action upon diversity of citizenship between the parties pursuant to 28 U.S.C. § 1332(a); and

The Court having reviewed the Complaint and finding it deficient in that it failed to properly plead the statutory requirement of diversity of citizenship because "the legal representative of the state of a decedent shall be deemed to be a citizen only of the same State of the decedent." 28 U.S.C. § 1332(c)(2); and

The Court having issued a Letter Order on September 10, 2010 alerting Plaintiff's counsel to the deficiency in the Complaint; and

The Court having granted Plaintiff's counsel leave of twenty (20) days to file an

Amended Complaint to cure the deficiency; and

The Court having provided Plaintiff's counsel with fair notice that if the deficiency was not cured within the that time that the Complaint would be dismissed for lack of subject matter jurisdiction pursuant to Federal Rule of Civil Procedure 12(h)(3); and

The Court having observed no filing from Plaintiff to this date;

IT IS on this 18<sup>th</sup> day of October, 2010 ORDERED that the Complaint is hereby DISMISSED.

/s/Joseph H. Rodriguez  
Hon. Joseph H. Rodriguez,  
United States District Judge